

Illinois Advisory Council Presentation

The Recycling Partnership

September 28, 2026



**The Recycling
Partnership**

The Recycling Partnership is the U.S. nonprofit solving recycling's toughest challenges, together.



Agenda

Opportunities for Policy Alignment

EPR Lawsuits

Packaging EPR in Implementation

A photograph of four people standing in a line, viewed from behind. They are all wearing teal-colored t-shirts. The person on the far left has long dark hair. The second person from the left is wearing a black baseball cap with "The Recycling Partnership" written on it. The person on the far right has short dark hair. They are all standing with their arms around each other's shoulders in a supportive gesture. The background is a blurred outdoor setting with green and yellow foliage. Overlaid on the image is the text "Who We Are" in green and a larger white text block.

Who We Are

**The Recycling Partnership is the U.S. nonprofit
solving recycling's toughest challenges, together.**



What We Do

We tackle system challenges that no single company, community, or policy can fix alone.

What must be true for a healthy U.S. recycling system?



- 1 Design for Recycling:** All packaging needs to be designed for recyclability.
- 2 Ability to Recycle:** All households need access to recycling in their home.
- 3 Public Participation:** Residents need to fully engage in recycling.
- 4 Recycling Infrastructure:** Recycling facilities need to effectively process the material.
- 5 Old Stuff → New Stuff:** Recycling facilities need sufficient end markets.

A man in a blue t-shirt and grey shorts is walking from left to right, talking on a blue phone. A woman in a striped tank top and blue shorts is walking behind him. They are passing a blue recycling bin with a white recycling symbol. To the left is a black trash bin with the Millennium Park logo. The background shows green trees and a paved path.

**12 Years. \$658M+ Invested.
Built to Transform Recycling.**

**Including over \$2M invested in
17 projects in Illinois .**

The **Policy** team helps shape and advance recycling legislation, then partners with interest-holders to ensure laws are put into effect successfully.



Federal Policy Advocacy

Drives involvement with federal recycling policies such as the CIRCLE Act; works closely on demand side policy; and leverages treaty negotiations to shape U.S policy positions.



State Policy Advocacy

Proactively engages on state recycling policy opportunities such as EPR for packaging and paper products and demand side policy; continues to support and defend laws after passage.



Policy Implementation

Advises PRO on program planning; builds relationships within states to understand the policy landscape; and monitors rulemaking to offer informed feedback.

Opportunities for Policy Alignment

Opportunities for Policy Alignment with Existing EPR



Align the **definition of producer** with MN, WA, and MD



Align **covered materials lists** with existing programs (to the extent possible)

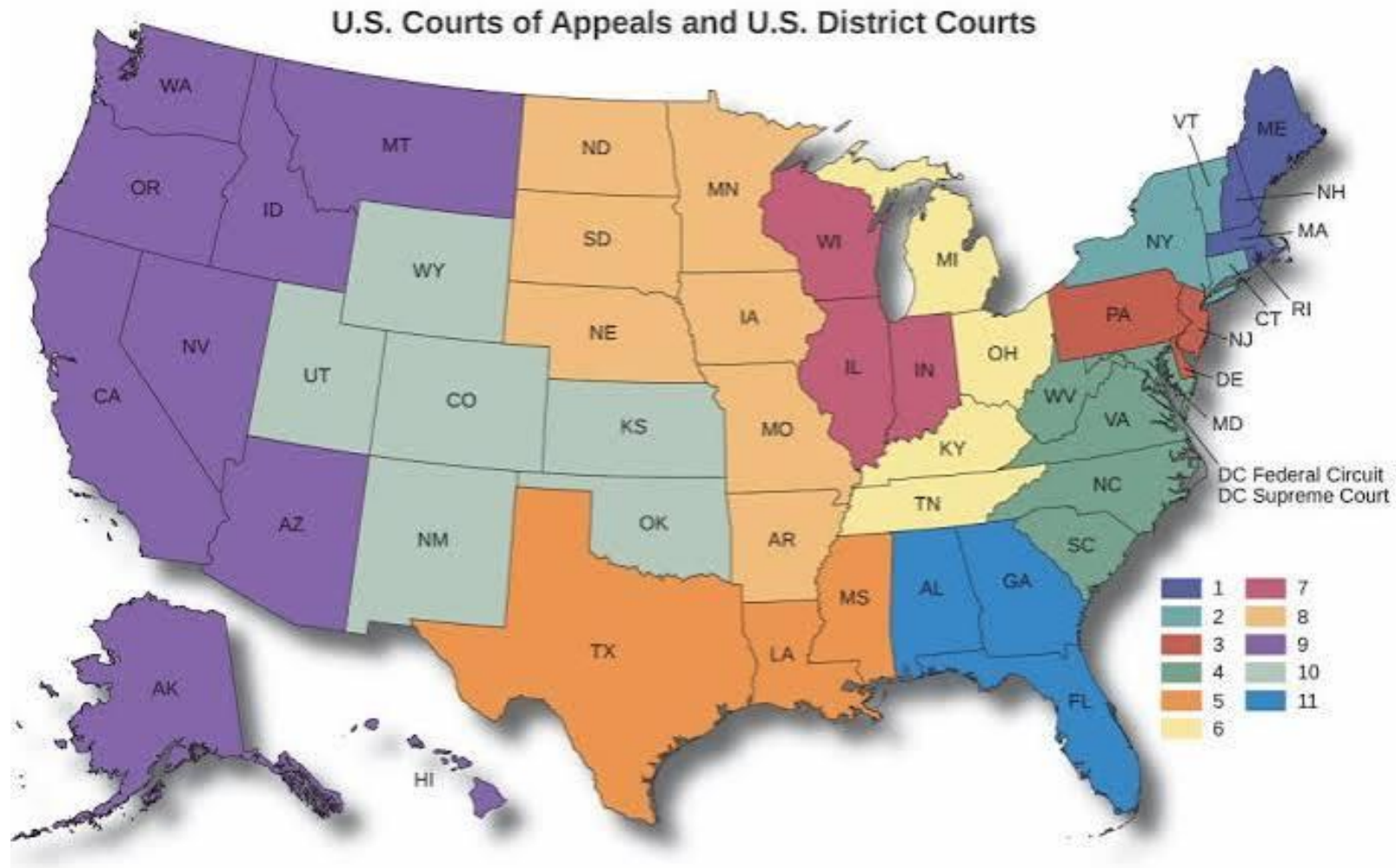


Provide sufficient flexibility for aligned definitions of **responsible end markets**



EPR Lawsuits

United States' Judicial System



NAW v. Feldon (Oregon)

What was the Lawsuit About?

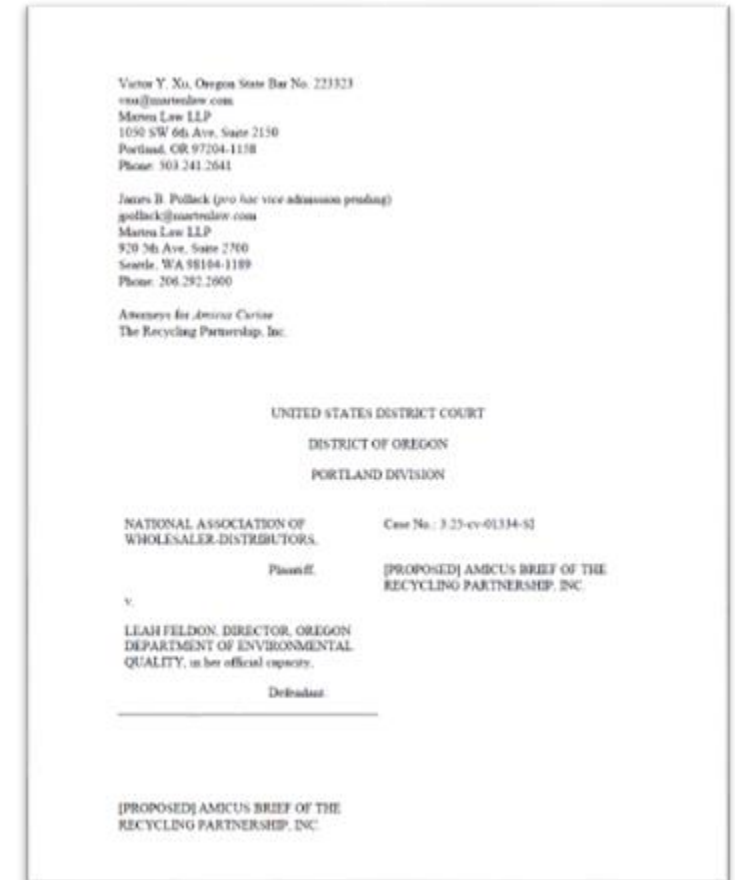
- NAW sued the Oregon RMA, claiming it was unconstitutional on two fronts because it violates:
 - The Commerce Clause of the U.S. Constitution;
 - Producer's due process rights (fee methodology and individual contracts between producers and CAA)

Lawsuit Decision

- **Judge Simon ruled that EPR in Oregon is Constitutional and will be allowed to continue for all obligated producers throughout the state.**
- The Partnership submitted an amicus brief showing the key elements of a healthy recycling system and how Oregon's RMA bolsters each of those key elements.
- The Judge cited TRP's amicus in his decision, showing how the benefits of the EPR system for all Oregonians outweigh any purported harms that were claimed in the suit.
- NAW filed appeal September 24, 2026



Oregon



State of Nebraska v. Heller (California)

What's the Lawsuit About?

- 17 U.S. State Attorneys General + NAW are suing California's SB 54
- Many of the arguments are substantively similar to the NAW lawsuit in Oregon

What are the Next Steps in This Lawsuit?

- Nebraska has requested a preliminary injunction for the program – hearing is set for **January 15, 2027**

Likely Impact of Lawsuit on EPR?

- Too early to say, although **unlikely program is fully repealed**, especially given Oregon decision
- However, California has two unique elements:
 - Plaintiffs include State AGs, which may mean additional weight given to some of their arguments
 - Additional requirements beyond RMA (source reduction, Plastic Pollution Mitigation Fund)



California

Key Takeaways from Lawsuits



The judge's decisive decision in Oregon makes appeal harder. For now, producers are required to comply.



Oregon decision sets an example, but does not set legal precedent.



California's lawsuit has novel elements that may differentiate it from Oregon.



Any court-driven changes to EPR should not stall stakeholders from moving policy forward.

Packaging EPR in Implementation

Oregon, California, and Colorado

What's Happened on the Ground in Oregon Since July 1, 2025



- Funding starts to flow to communities and processing sites
- CAA's first RecycleOn recycling drop-off sites open
- Education and outreach materials hit mailboxes, social feeds and beyond
- 'Bonus C' and REMs program plan amendments submitted by CAA and approved by Oregon DEQ
- CAA audit center begins sampling loads
- Currently in third round of rulemaking (public comment this fall)

Year One in Oregon, By the Numbers

- **295,000 tons (590 million pounds)** delivered to commingled recycling processing facilities (CRPFs)
- **\$30 million paid to facilities** via contamination management fee (CMF) and processor commodity risk fee (PCRF)
- **34 RecycleOn Centers** open (50+ additional expected to open by end of 2026)
- **36,000 new recycling carts** and **11 collection trucks** provided to communities
- **3,272 producers** registered with CAA Oregon
- **91 entities** self-attested as responsible end markets (REMs)

Source: CAA Oregon

June – Present: Key Milestones in Colorado

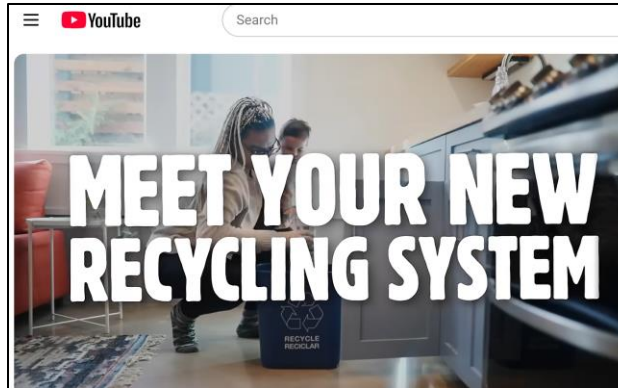
Bringing No-Cost Recycling to Communities Across Colorado



Producer Participation

2140 producers have registered with CAA Colorado, thereby expanding the reach of EPR and strengthening the foundation for an improved recycling system.

as of July 2026



Increased Awareness

The statewide RecycleOn Colorado campaign has **reached Colorado residents more than 65 million times** through TV, radio, digital, and outdoor advertising. It has also generated 2,200 newsletter sign-ups and 80 resident inquiries. Also, the E&O Portal is performing well, with communities actively accessing campaign materials.

as of July 2026



Increased Access & Improved Infrastructure

CAA has officially entered into funding agreements with 2 city/ town-provided services, 6 producer-funded drop-off recycling facilities, and 7 MRFs and transfer centers. Additional providers are progressing through the reimbursement process.

as of September 16, 2026

Colorado Program Implementation

Reimbursement of Collection and Post-Collection Services

Eligibility for Reimbursement

Collection Models:

- Open Market
- Contracted Collection
- Local Government/Municipal Collection

Post-Collection Entities:

- Transfer Stations
- MRFs

Three Step Reimbursement Process

Part One

Request for Reimbursement

The RFR details services, qualifications and compliance with standards

Part Two

Qualification

Entities meeting minimum requirements are deemed for service agreements.

Part Three

Service Agreement

Negotiated agreements establish reimbursement terms, performance metrics and data reporting requirements.

Note: The specific requirements for each step in the process can vary based on the collection model or post-collection entity. CAA therefore hosted webinars prior to program implementation to delve into the various requirements.

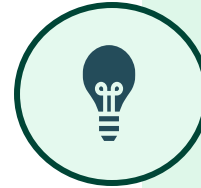
California Program Implementation

Key Implementation Dates

- **June - August 2026** – The PRO released the draft Program Plan. The Producer Responsibility Advisory Board reviewed and commented on the Program Plan. Public comment was accepted.
- **October 2026** – The PRO submits the final Program Plan to CalRecycle
- **December 2026** - CalRecycle makes a decision on the Program Plan
- **January 2027** - Program Plan implementation begins

What's in the proposed California Program Plan?

Similar to Oregon and Colorado...



PRO identifies recycler and municipality current operations and future needs.



Municipalities start collection of covered materials.



The PRO will identify and invest in infrastructure expansion and recycling improvements.



Investments continue with regular PRO reporting.

Per CAA California's California Extended Producer Responsibility (EPR) Program Plan

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